NOTES.

I. MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

Brooklyn.—*Amalgamation.*[1] The experience of Brooklyn with amalgamation has, in the main, been satisfactory. The community insisted on uniformity of assessments and taxation throughout the consolidated city, before it would consent to surrender its autonomy. A provision was accordingly put in the charter of the enlarged city, requiring that there should be a uniform rate of taxation throughout the new municipality. The tax laws already provided that all assessments throughout the state should be made on a uniform basis, but the charter gave to the people here a remedy for unequal assessments, in that it permitted them to seek a review of the proceedings of the assessors in the courts. Lower tax bills were promised to dwellers in Brooklyn and the bills have been lower there, while in Manhattan and the Bronx, or in the old city of New York they have been higher. The equalization of assessments involved a raising of Manhattan valuations, and the levying of the tax uniformly on the whole city distributed the burden of taxation more equitably than had been possible when the old city of New York profited exclusively by the taxes on the great wealth concentrated on Manhattan Island. In spite of the fact that the cost of government in the consolidated city is larger than the total cost of government in the independent municipalities composing it, Brooklyn has to pay less for government than when she was independent.

But aside from taxation the experiment of consolidation has not been immediately successful for Brooklyn. What it will be in the future it is useless to prophesy. The local interests of the borough have suffered. No plans for new school houses have been made, and few, if any, sites for new buildings have been bought. Some school-buildings that were planned or begun before consolidation have been completed, but the new officials have either not planned any new work or have not succeeded in getting money appropriated for doing that which they have planned. The same conditions prevail in the street department, in the department of sewers and in the water department. Practically all improvements have been at a standstill. This situation has been produced partly by the practical and unavoidable difficulties in the way of fitting the new government to the

[1] Contributed by F. H. Gunnison, Esq.

enlarged city, and partly by the complicated machinery provided for the doing of business. The charter methods are so cumbersome that it takes a long time to accomplish anything, and emergency work has had to be abandoned almost entirely, for it is so long before it can be done that by the time the proper authority to do it has been secured, the emergency has passed.

Everyone admits that some change should be made in the charter, looking to the removal of these defects. There are two parties of charter revisionists, one party holding that reform can be secured best by the concentration of power in the heads of the various departments of the city government and in the practical destruction of what independence the boroughs now have. The other party demands decentralization and an increase in the autonomy of the boroughs. Indeed, there are some people who advocate that the boroughs should raise within their own boundaries the money which is spent there, and spend it to suit themselves. This means, of course, the practical repeal of consolidation. It is not known just what will be done, but a commission appointed by Governor Roosevelt to consider the subject is at work on a revision of the charter. It will make its report to the legislature, which meets in January. It is not probable that the report will be published until the legislature sees it. The fate of the recommendations of the commission, whatever they may be, will depend largely upon the exigencies of politics, which cannot be foreseen at this time.

St. Louis.—*Amalgamation.*[1] The city of St. Louis, with a need of at least ten million dollars for public improvements, finds itself facing a deficit estimated at a million dollars. The municipality has already contracted a bonded debt up to the constitutional limit, and has levied the maximum revenue rate, which is double what it is in the state at large. No apparent source of immediate relief is therefore open to it. This grave condition of affairs may be said to be largely due to injudicious amalgamation. The present scheme and charter, adopted in 1876, was planned apparently in contemplation of a compact population. Such is the inference that must be drawn from the limits which were placed upon the rate of taxation and upon the ability of the city to contract indebtedness. At the same time, however, the limits of the city were extended so as to include practically the whole of the suburban population on the west side of the Mississippi, while the county organization within the territorial limits of the city was abolished and the burden of maintaining what are properly county institutions was thrown upon the municipality without the possibility of levying a corresponding county tax.

[1] Contributed by Professor R. F. Hoxie, St. Louis.

While the outlying urban units were unimportant in size and wealth the grave possibilities of this wholesale amalgamation without adequate charter modifications did not at once develop so as to attract serious attention. Of late, however, owing to improvements in rapid transit and as a result of the change of St. Louis from an essentially river town to a railroad centre, the suburbs, especially to the west which were widely separated from the old city, have grown with remarkable rapidity. The resulting increased demands for water mains and sewers, for paving, lighting and police protection, have been altogether out of proportion to the increase of taxable wealth. This would have been true had the growth of the outlying districts been due altogether to additions to the population of the city, but the proportion of expense to taxable wealth has been greatly increased by the fact that this suburban growth has been, to a large extent, due to migration of wealthy residents. This has left a middle zone, in which public improvements have already been made and which requires adequate lighting and police protection, with decreased taxable value. The remedy for the existing state of affairs seems to be in a reorganization of the present charter or the adoption of a new charter which shall recognize the needs of a widely scattered municipal population. No increase in the tax rate which may be legally levied will suffice, since a great part of the need is for immediate improvements of a relatively permanent character. The ability to increase the bonded indebtedness for these improvements seems to be a prime necessity in order that the burden may fall to a great extent on those who will benefit from the improvements in the future. The situation is calling forth much discussion locally, owing to the special urgency of city needs in view of the proposed world's fair in 1903.

Civil Service, 1899-1900.[1]—In New York State, where the civil service rules apply to each of the forty-five cities many improvements have been brought about through the operation of the law, enacted April 14, 1899. During the period from that date to the following Autumn the New York City rules were amended to conform to the new system. The amendments consisted, for the most part, in reductions in the numbers of positions exempt from examination, and in changes designed to do away with opportunities for evasions. The new rules were promulgated by the state board, acting after Mayor Van Wyck's failure to act, on July 11, 1899. Although a great advance on the rules they superseded, they have since been further amended in many important respects, and now present a far more substantial barrier to the use of city patronage for the benefit of Tammany Hall than Tammany has ever had to confront

[1] Contributed by Hon. C. R. Woodruff, Philadelphia.

before. The Civil Service Reform Association has won a number of important suits, designed to test disputed points in the new system.

The State Civil Service Commission, which has enlarged powers under the new act, including an effective supervision of the operation of the rules in cities, has recently appointed an inspector to visit the various cities periodically and report on existing conditions. This officer has already discovered a bad state of affairs in the city of Syracuse, and a formal investigation, resulting in the displacement of the local commission followed. With the exception of a few of the small cities, however, all others seem to be obeying the law in a satisfactory manner.

Massachusetts.—Several bills were introduced at the last session of the legislature designed to weaken the system in cities, especially in Boston; but all were either defeated or vetoed by the governor.

Chicago.—The backward tendency of civil service reform in Chicago has been arrested by the reorganization of the city commission and the appointment of Colonel John W. Ela, late president of the Chicago Civil Service Reform League, as a member. Since Colonel Ela's installation many improvements have been effected, particularly with regard to the system of promotions. The situation has been much improved, moreover, by a decision of the Supreme Court of Cook County, by which several injurious rulings of the old commission were set aside, and as the results of which the letter of the law must, in future, be adhered to strictly.

Baltimore.—Civil service rules have been introduced in the fire and police departments of Baltimore, in the one case under authority given by the new charter, and in the other under a special act. Competent boards of examiners have been appointed for each. The usefulness of the rules for the police department is somewhat marred, however, by a construction of the corporation counsel, based on an error in the language of the act, to the effect that appointments may be made from any part of the eligible lists. This construction, it is understood, will be disputed by the Baltimore Reform League and the local Civil Service Reform Association.

New Orleans.—The system in New Orleans established by the present charter, has been virtually destroyed by an act passed by the last legislature. The Civil Service Reform League, organized during the legislative campaign, will be continued. Under its auspices, the constitutionality of the modifying act is being tested in the courts.

San Francisco.—The civil service system was established in San Francisco, on January 1, 1900, when the new charter went into operation. It applies practically to all departments, is modeled on the best features of the systems in force in other cities, and is adminis-

tered by a commission composed of known friends of the merit system, appointed by a well-disposed mayor. It may be recalled that the election through which the charter was adopted by popular vote turned principally on the issue of civil service reform.

Columbus.—Rules have been established for Columbus, under an act of the Ohio Legislature, requiring their application to the departments of public safety and public improvements, in "cities of the first grade of the second class," and *permitting* their extension, on authorization of the common council, to all other departments and officers of such cities. The commission appointed for Columbus has drafted and promulgated an excellent set of rules and secured authority for their extension, practically, to the entire city service.

Chicago.—*Drainage Canal Litigation.*[1] An event of tremendous significance to Chicago was the opening of its great drainage canal on January 17, 1900. Lake Michigan is now joined to the Gulf, and the flow of its pure waters, passing through the new canal and into the Illinois and Mississippi Rivers, receives and carries off the immense mass of Chicago sewage. As had been anticipated, the opening of the canal gave rise to litigation, which, if not of serious import to the future of the canal, is of great general interest.

The most important case is that of the State of Missouri, complainant, *vs.* State of Illinois and Sanitary District of Chicago, defendants. This is an original proceeding, instituted in the Supreme Court of the United States, to enjoin the drainage trustees from allowing the sewage of Chicago to be discharged into the canal. The case raises two important questions, one of constitutional law, and one of sanitation. The constitutional question is as to the jurisdiction of the Supreme Court to entertain the case. The complainant asserts original jurisdiction in that court under Section 2, Article 3, of the federal constitution creating such jurisdiction in cases "in which a State shall be a party," amended subsequently by provision that such jurisdiction shall not extend "to any suit, in law or equity, commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign state."

It is averred in the complaint that the canal was built by the Sanitary District of Chicago as one of the "governmental agencies of the State of Illinois," and under the direction and control of that state; that the flow of the channel will cause direct and immediate injury to the State of Missouri; that the 1,500 tons of filth and sewage cast daily into the canal at Chicago will poison and pollute the waters of the Mississippi and render them unhealthful and unfit "for drinking

[1] Contributed by M. F. Gallagher, Esq., Chicago, Ill.

purposes and all other domestic and manufacturing and agricultural purposes," and destroy the value of water works created at great expense by various municipalities along the river.

Defendants deny jurisdiction in the Supreme Court because the bill does not set forth "within the meaning of the Constitution of the United States, any controversy between the State of Missouri and State of Illinois." The contention is that any controversy that exists is between the State of Illinois and a public corporation created by it and certain cities and towns of Missouri and certain citizens of that state residing on or near the banks of the Mississippi River. It is argued that the State of Missouri has merely lent its name to the case of the city of St. Louis, and that the suit in no wise affects the property rights of the state itself.

The issue thus raised is, of course, of great legal import, and will require a construction of the pertinent provisions of the federal constitution.

The other question of especial interest to students of sanitation is largely a problem in chemistry and bacteriology. The drainage trustees assert in their answer to the complaint that the sewage discharged into the canal will have entirely lost its noxious matter before the flow reaches the Mississippi and that it will in no wise poison or pollute that stream. They go a step farther and say that "the turning into the DesPlaines River of the sewage of the sanitary district of Chicago, together with the 300,000 cubic feet per minute of the pure water of Lake Michigan, which will accompany the same, will greatly improve the quality of the waters of the Illinois and Mississippi Rivers."

It is also insisted that the State of Missouri is estopped from complaining of the canal because, while it was in process of construction for over eleven years, no objection was raised.

The Supreme Court has ordered the case for oral argument at the October term, but no date has been set for it.

Civil Service Reform. New rules adopted by the the Civil Service Commission clearly outline the method of promoting employees within the classified service. Henceforth the higher grades of work are, so far as possible, to be strictly confined to employees promoted from inferior positions, to the end that a permanent trained force of municipal servants may be developed. The rules provide that promotions shall be governed by ascertained merit and seniority of service and made after competitive examinations which shall be held whenever the next lower grade of service shall be constituted of at least two persons eligible to promotion, and competition "shall be limited to the members of such next lower rank or grade."

If, in the immediately inferior division of service, there are not two

men wanting to take the examination for promotion, then the usual original entrance test will be had. However, if after sixty days from the general examination, a requisition to fill a vacancy is received and there are then persons in the next inferior position competent to take the examination for promotion, such examination will be held for their benefit and the employee qualified for the vacant position shall be certified for promotion. In all examinations due weight shall be given to length of previous service and office efficiency. The commission, when deemed best, may appoint boards of promotion to conduct the examinations and mark the papers.

Census. The population of the city of Chicago, shown by the new census, is 1,698,575. The increase since 1890 is 598,725, a percentage of 54.44. The published returns of thirty cities having a population in excess of 100,000 rank Chicago third in percentage of increase, Indianapolis, Indiana, and Toledo, Ohio, surpassing it in this respect. The present area of the city of Chicago is 190.64 square miles. The death rate given for 1899 was 15.00.

Cleveland.[1]—The purpose of the Reorganization Act of 1892 was to extend to the school government of Cleveland the spirit and methods of the "federal plan," that for two years had prevailed in the municipal government of the city. It vests legislative power in a council of seven members, elected at large, whilst executive power is lodged in a school director, chosen for a term of two years, by the qualified electors of the district. In order to keep the schools out of politics, which was one of the avowed objects of the act, the business and educational departments of the schools were separated as widely as possible, the only connection being such as is provided in the following language:

Sec. 10. "The school director shall, subject to the approval of and confirmation by the council, appoint a superintendent of instruction, who shall remain in office during good behavior, and the school director may at any time, for sufficient cause, remove him; but the order for such removal shall be in writing, specifying the cause therefor, and shall be entered upon the records of his office; and he shall forthwith report the same to the council, together with the reason therefor." The appointment and discharge of all assistants and teachers authorized to be employed by the council rests with the superintendent alone.

Recent events have subjected this law to a severe strain. During the eight years of the operation of the law from April, 1892, to April, 1900, there had been but one incumbent in the office of director, Mr. H. Q. Sargent having four times in succession been chosen to the position. In the Republican primaries of this year Mr. Sargent, who was

[1] Communication of Professor W. J. Truesdale, East High School, Cleveland, O.

again a candidate, was defeated by Thomas H. Bell, who had been a member of the school council. During the campaign it became generally understood that Mr. Bell, if elected, would seek to remove from the superintendency Mr. L. H. Jones, who had served in that capacity since 1894 and who, during these six years, had maintained the high excellence of the Cleveland schools and had himself become recognized as one of the most successful and progressive superintendents in the country. Mr. Bell's opposition to Mr. Jones apparently did not reflect the sentiment of any considerable number, even Mr. Bell himself deeming it necessary, in view of the storm of protests called forth by the fear, that if elected, he would remove Mr. Jones, to issue a card, which, while somewhat equivocal in statement, was understood, as it must have been intended it should be, as a pledge that Mr. Jones would be retained. Mr. Bell was elected and took office in April.

On Monday, July 2, the early editions of the afternoon papers contained a copy of a letter which the superintendent had that morning received from the Director, informing him that he was removed from his position on the grounds of "incompetency, inefficiency, neglect of duty and misconduct." At the same time a communication containing more detailed charges had been sent to the president of the school council, which body was to have a regular meeting that evening, but the superintendent was not furnished with a copy of these specifications. It was further reported that Professor Addison B. Poland, superintendent of schools in Paterson, N. J., was to be Mr. Jones' successor and that his confirmation would be sought at the approaching meeting of the council. The director supposed that he had thus complied with every requirement of the law and that Mr. Jones had ceased to be superintendent at the moment of receiving his letter of removal. He regarded the notice of his action which the law required him to send the council as a mere formal announcement of an accomplished fact. The friends of Mr. Jones immediately set to work to find some means of preventing this summary ousting of the superintendent. They accomplished two things; first, several members of the council were prevailed upon to absent themselves from the meeting, so that in the absence of a quorum, no action could be taken upon the nomination of Mr. Poland; secondly, an injunction was secured temporarily restraining the director from removing Mr. Jones, and ordering him to accord Mr. Jones a hearing on the charges preferred.

On the following day the Director sought the legal advice of the corporation counsel, whose duty it is to act as legal adviser and representative of the school officials. The unofficial opinion of the law department had been made public in a communication from the first

assistant corporation counsel, which appeared in the morning papers of Tuesday. This opinion was based upon a decision of the Ohio Supreme Court (58 Ohio State Reports, p. 504) upon the question of the power of removal from office by a mayor. In the decision referred to it is held that the mayor's power of removal "cannot be exercised arbitrarily but only upon complaint and after a hearing had in which the officer is afforded opportunity to refute the case made against him. Nor has the mayor in such case authority to proceed to the hearing until charges have been preferred which embody facts that in judgment of law constitute neglect of duty or misconduct in office and of which the accused has had due notice." The opinion concluded, therefore, that the school director had acted contrary to law, for whether he had "sufficient cause" for the removal of the superintendent could only be determined after he had notified the superintendent of the special charges made against him and given him an opportunity to make his defence. It was a matter of no surprise when the corporation counsel, called upon by the school director to assume his defence in the injunction proceedings, practically refused to do so, pronouncing the director's position untenable. The Director not yet willing to admit defeat, next sought the advice of a private lawyer, but the best this lawyer could do for him was to discover a technical flaw in the petition for the injunction. Convinced at last that he had erred, and probably somewhat influenced by the severe condemnation of his course expressed by the entire respectable press of the city, including the morning Republican that had advocated his election, the Director, on July 6, sent a second letter to Mr. Jones "revoking, cancelling and annulling" his order of removal. At the same time the charges which had been sent to the school council were withdrawn and the injunction proceedings were therefore dropped. Since that time no further steps have been taken against the superintendent.

National Municipal League.—At the Milwaukee meeting of the National Municipal League, held in September last, the following resolution was unanimously adopted:

Resolved, That the chairman of the Executive Committee be authorized and empowered to appoint a committee, which may include members not members of the League, to ascertain the extent to which instruction in municipal government and its betterment is offered by American institutions of learning; and further

Resolved, That this committee, when apointed, shall have authority to bring to the attention of college authorities the necessity of offering more extended instruction in these subjects.

In pursuance of the power vested in him, Charles J. Bonaparte, Esq., chairman of the Executive Committee, has appointed the following committee to carry out the foregoing resolution:

Professor John H. Finley, Princeton University; Dr. William H. Allen, University of Pennsylvania; Dr. William F. McDowell, secretary, Methodist Board of Education, New York City; Professor Charles Zeublin, University of Chicago; President Thomas M. Drown, Lehigh University; Dr. Robert C. Brooks, Cornell University; Professor E. L. Bogart, Oberlin College; Clinton Rogers Woodruff, Secretary, National Municipal League.

Municipal Code Commission of Iowa.[1]—The municipal code commission of Iowa is a direct result of the decision of the Supreme Court in the case of Baker *vs.* the Village of Norwood.[2] The holding of the court is to the effect that special assessments for public improvements must be in proportion to the benefits conferred upon the property thereby and not in excess of them. Many able lawyers throughout the state held that this did not invalidate the special assessment laws, in that provision was made for a hearing before the city councils and an appeal from their decision to the courts, which were empowered to make proper assessments. None of the municipalities, however, had sufficient confidence to assume the cost of a test case, and public improvements were brought to a standstill. The effect upon street paving was particularly noticeable. The plan of assessing abutting property so much per front foot to pay the cost of the improvement was so clearly contrary to the ruling of the court, that paving entirely ceased. Under these conditions the cities were a unit in demanding of the General Assembly the passage of some measure that would enable them to continue their improvements. The importance of the subject, however, and the difficulties involved in revising all the special assessment laws during one brief sesssion of the assembly, were so great, that it was thought best to enact a temporary measure and appoint a joint commission to recodify the municipal laws.

The act[3] creating the commission provides that it shall consist of six members, three from the senate and house respectively, appointed by the presiding officers of those bodies. This commission is "carefully to revise and codify all the special assessment laws, and such other laws in relation to the government of municipal corporations, as may be by the committee deemed necessary and expedient, and recommend such changes therein as may be desirable." The terms of the law are so sweeping that it is probable that the committee will not content itself with the revision of the special assessment laws alone, but will go over the whole subject of municipal government, and,

[1] Communication of Professor W. R. Patterson, University of Iowa.
[2] "Federal Reporter," vol. 74.
[3] Laws of 28 G. A., chap. 176.

among other desirable reforms, seriously consider a uniform system of accounting.

The law[1] under which assessments will be made until the meeting of the next assembly, when the report of the commission is due, provides that such assessments shall be in proportion to the special benefits conferred upon the property thereby, and not in excess. The amount assessed not to exceed 25 per cent of the actual value of the property at the time of the levy, as shown by the preceding assessment roll.

Duluth[2] has had her fair share of maladministration, a natural consequence of new environment and rapid growth. Occasional spurts of reform have been followed by longer periods of relaxed vigil and loose methods. The local civic spirit has, however, grown apace. To-day all our political parties are declaring in their local platforms in favor of the principle of municipal ownership of public utilities. These declarations are not all of them either enthusiastic or honest. But the average politician, even though he be the henchman of some special interest, hardly cares or dares to run riot with public sentiment. He therefore falls into line or, at least, appears to do so.

After a bitter struggle with selfishness and corruption, extending over a period of years, Duluth finally acquired the ownership and control of its water and gas supply. The plant of the private company was purchased for $1,250,000, less by almost one million dollars than the price at which it was originally attempted to unload it upon the city, but still more by almost $500,000, according to some authorities, than its actual value. A supplementary water system built by the city, guaranteeing a pure water supply, with a new and adequate pumping station, an intake about ten miles from the heart of the city, a reservoir and miles of force main to make connection with the old system, together with necessary repairs and outlay on the old system, involved an additional expenditure of over $1,100,000. The total investment to date is, therefore, $2,350,000.

Duluth has been most fortunate in two prerequisites to success along the lines in question. The first is that the control and management of the water and gas plants have been vested in a non-partisan board of public-spirited business men, who serve without compensation; the second, that this board had the good judgment and good fortune to secure the services of an active manager, who, as superintendent for many years of the Detroit (Michigan) water works, established a national reputation for competency and probity.

Notwithstanding that the price of water by meter was reduced from five cents to four cents per hundred gallons and the price of gas for

[1] Laws 28 G. A., chap. 29.

[2] Contributed by W. G. Joerns, Duluth, Minnesota.

illumination from two dollars to one dollar and a half, per thousand cubic feet, there is a net profit on the first year's business of $15,681.86. The total earnings were $176,469.37; the expenses for operation and maintenance, including repairs, $49,587.51, leaving a surplus of $126,881.86. The above profit remained after paying interest on bonds, $111,200. The effect of the reduction in the price of gas upon the total output is indicated by the following:

Gas made from January 1 to July 1, 1899, 13,522,000 feet.
Gas made from January 1 to July 1, 1900, 17,939,402 feet.
Gas sold from January 1 to July 1, 1899, 10,470,370 feet.
Gas sold from January 1 to July 1, 1900, 14,276,000 feet.

Receipts from January 1 to July 1, 1899 . . . $15,470.20.
Receipts from January 1 to July 1, 1900 . . . $20,177.67.

The citizens of Duluth have likewise voted for a bond issue of $110,000 for the erection of a public electric lighting plant. A new charter has also been adopted, similar to those of Minneapolis and St. Paul. The question whether this charter has been legally adopted is now pending before the State Supreme Court. The city after asking for competitive proposals also granted a franchise to a new telephone company, an active competitor of the Bell Company, with greatly reduced maximum rates and with the privilege of purchase by the municipality at the end of stated five year periods. The new plant is now in active, satisfactory and successful operation. The old company also remains in operation, though its franchise has expired. Before the new telephone system, or in fact, any further public utilities can be acquired by the city, additional legislative action will probably be necessary, as a refunding measure passed since the last session of the legislature in the interests of Duluth contains a provision that is evidently intended to tie the hands of the municipality in the direction named. This provision was injected into the original draft prepared by the city authorities against their protest and that of many other public-spirited citizens.